

BOARD OF APPEALS CASE NO. 4869/70 *

BEFORE THE

APPLICANT: Ronald Adams

ZONING HEARING EXAMINER

**REQUEST: Variance to allow a motor
vehicle use and interpretation to extend
CI District 100 feet; 304 Niles Lane,
Fallston**

HEARING DATE: December 30, 1998

OF HARFORD COUNTY

Hearing Advertised

Aegis: 11/11/98 & 11/18/98

Record: 11/13/98 & 11/20/98

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Ronald Adams requested that the cases be consolidated prior to the Hearing before the hearing Examiner. Case No. 4869 seeks a variance, pursuant to Section 267-40B, Table XII, of the Harford County Code, to allow a motor vehicle use in an existing building closer than the required 20 feet from the side yard setback (15 feet existing) in a CI Commercial Industrial District. Case 4870 requests an interpretation pursuant to Section 267-10(B) of the Harford County Code to extend the CI District a distance of 100 feet into an existing AG Agricultural District.

The subject property is located at 304 Niles Lane, Fallston, MD 21047 and is more particularly identified on Tax Map 55, Grid 3D, Parcel 584. The subject parcel consists of 1.584 acres, more or less, is located in the Third Election District and is currently split-zoned AG and CI.

The Applicant, Ronald Adams, appeared and testified that he has owned the property since 1980. The existing building was built pursuant to a validly issued building permit at a cost of \$200,000.00. There is plumbing in the existing building which was built originally for a warehouse use requiring only a 10 foot setback. The Applicant intends to use the building for a motor vehicle use which requires a 20 foot setback, 15 feet existing. The subject property is one of three parcels being used as a single commercial complex. There are several buildings existing which cross parcel lines. Current uses include a warehouse which houses used car

sales and a carpet warehouse and sales. Two other buildings are used for used car sales.

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Another building is used for small engine repair. The existing warehouse was recently built and is intended for automotive uses. Additionally, the other uses in the immediate vicinity include retail areas, automotive services (Plaza Ford and Auto Gallery) and mixed residential uses. As to the extension of the CI district an additional 100 feet, the Applicant explained that this will provide more usable space. The Applicant felt that no adverse impact to adjacent properties would result from the requested variance and extension of CI district.

There were no persons who appeared in opposition to either request. The Department of Planning and Zoning has recommended approval of both requests.

CONCLUSION:

The Harford County Code, pursuant to Section 267-11 permits area variances provided the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.

Harford County Code Section 267-10(B) provides:

Extension of a district: permitting the extension of a district if the boundary line of a district divides a parcel held in single ownership on the effective date of this Part 1, provided that such extension does not exceed one hundred (100) feet beyond the boundary line.

The Hearing Examiner finds that the subject property is unique, consisting of multiple uses, buildings that cross parcel lines and split-zoning on parcels held in single ownership. The existing building was constructed pursuant to a valid building permit and it is only a change in use which requires the need for a sideyard setback variance. The new use proposed and the reduction in setback of 5 feet will not result in any adverse impacts to neighboring and adjacent properties. Certainly, to move the building or limit the commercial uses would impose an unreasonable hardship on this Applicant.

The parcel is split-zoned, containing CI and AG Districts simultaneously. Extending the CI District is consistent with the current uses both on this parcel and on surrounding

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properties which are also largely dedicated to commercial uses.

The Hearing Examiner, therefore, recommends approval of the requested variance and the extension of the CI District 100 additional feet. The Applicant will need to obtain all necessary permits and inspections for the proposed motor vehicle use of the existing building.

Date JANUARY 26, 1999

William F. Casey
Zoning Hearing Examiner